

REMARKS

The Amendments

Claim 1 is amended to incorporate the substance of claim 2 therein. The other amendments are made to conform to this amendment and to correct a typographical error in the claim dependency of claim 15.

It is submitted that the above amendments would put the application in condition for allowance or materially reduce or simplify the issues for appeal. The amendments do not raise new issues or present new matter since they merely incorporate a previously fully examined claim into the independent claim and amend dependent claims accordingly. The amendments have been made to address the new grounds of rejection made in the Final Action and, thus, they were not earlier presented. Accordingly, it is submitted that the requested amendments should be entered.

To the extent that the amendments avoid the prior art or for other reasons related to patentability, competitors are warned that the amendments are not intended to and do not limit the scope of equivalents which may be asserted on subject matter outside the literal scope of any patented claims but not anticipated or rendered obvious by the prior art or otherwise unpatentable to applicants. Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Rejection under 35 U.S.C. §103

The rejections of the claims under 35 U.S.C. § 103, as being obvious over Koch (U.S. Patent No. 5,619,352) in view of Chung (U.S. Patent No. 5,995,184) or further in view of Skarohlid (U.S. Patent No. 6,266,114) are respectfully traversed.

Koch is directed to a special variety of O-plate compensator, i.e., one having biaxial symmetry, being positively birefringent and having twisted and/or splayed structure. See, e.g., col. 10, lines 44-59. Koch provides a broad disclosure that such O-plate may be used in connection with A-plates and negative C-plates; see, e.g., col. 12, lines 60-63. Koch sets out in Table 1 the types of configurations of combined A-, O- and C-plates "which have been considered." See col. 8, line 61, to col. 9, line 24.

Koch fails to disclose or suggest an optical compensator configuration which has:

- only one O plate retarder,
- only one A plate retarder, and
- only two negative C plate retarders.

There are no embodiments in Koch's Table 1 which have such a combination of plate retarders, either on one side of the LC medium or considering the configuration as a whole. None of the figures or other examples of Koch disclose or suggest such a combined configuration either.

Although Koch makes the general statement that A-plates and C-plates can be used in combination with their special O-plates, there is no suggestion from the reference of the particular combination of such plates as recited in the instant claims. To the contrary, Koch directs one of ordinary skill in the art away from such configuration because it is not included

in the table of configurations that Koch indicated to be among the "possible configurations which have been considered." Koch obviously never considered a configuration such as recited in the instant claims and, thus, fails to suggest such configuration to one of ordinary skill in the art.

The combined teachings of Chung with Koch also fail to suggest the configuration of A-, O- and C-plates as recited in the instant claims. Chung is directed to special A-plate compensators. Similar to Koch, Chung generally discusses that its special A-plate compensators can be used with other retardation films; see, e.g., col. 7, lines 45-52. But Chung discloses no specific structures and certainly provides no suggestion of a structure which has:

- only one O plate retarder,
- only one A plate retarder, and
- only two negative C plate retarders.

Accordingly, Chung provides no suggestion to one of ordinary skill in the art to modify the configurations suggested by Koch to arrive at a configuration suggesting that of applicants' claims.

The Skarohlid reference is particularly directed to a structure having two O-plates and one A-plate. Thus, it also provides no suggestion of the optical compensator of the instant claims. Instead, it also directs away from such a configuration.

For the above reasons, it is urged that the combined teachings of the cited prior art fail to render the claimed invention obvious to one of ordinary skill in the art.

As an additional independent basis for nonobviousness, there is no motivation for one

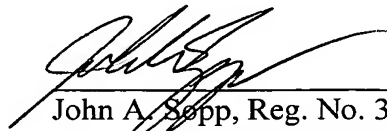
of ordinary skill in the art to combine the special A-plate compensator of Chung into the compensator configurations disclosed by Koch. Koch is directed to configurations based on a special O-plate compensator layer which has biaxial symmetry, positive birefringence and twisted and/or splayed structure. Chung is directed to optical compensators based on a special A-plate compensator layer. There is no suggestion from the combined teachings of the cited references that the special A-plate compensator of Chung would be compatible or useful when combined in the configurations of Koch having the special O-plate compensator layer defined therein. One of ordinary skill in the art would have no reasonable expectation that combining these special types of layers – designed for applications having differing means for achieving their objectives – would yield a desired result and not be detrimental to one another. There is no suggestion that incorporating Chung's special A-plate into the Koch configuration would be desirable. Particularly, in the instant case, there is no desirability to make such a combination in a manner which achieves the particular combination of A-, O- and C-plates recited in the current claims. See Rosemount, Inc. v. Beckmann Instruments, Inc., 221 USPQ 1, 7 (Fed. Cir. 1984); and, Ryko Manufacturing Co. v. Nu-Star, Inc., 21 USPQ2d 1053 (Fed. Cir. 1991), stating, " For a combination or any other invention to have been obvious, the prior art must suggest the desirability of making the claimed invention." Such desirability is not suggested here. Thus, for this additional reason, the combined reference teachings fail to render the claimed invention obvious to one of ordinary skill in the art.

For all of the above reasons, the rejections under 35 U.S.C. §103 for obviousness over Koch in view of Chung or further in view of Skarohlid should be withdrawn.

It is submitted that the application is in condition for allowance. But the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



John A. Sepp, Reg. No. 33,103
Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Blvd. Suite 1400
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410
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